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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,733	09/12/2003	John B. Poling	1865.0880000/ALF	4912
26111	7590	03/14/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CHAU, COREY P	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,733	<b>Applicant(s)</b> POLING ET AL.	
	<b>Examiner</b> Corey P Chau	<b>Art Unit</b> 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5757933 to Preves et al. (hereafter as Preves).

3. Regarding Claim 1, Preves discloses a loudspeaker system (Fig. 4) comprising: first and second audio signal input connections (MIC F, MIC B); a switch (S1) with first and second switch positions, wherein said first switch position configures said loudspeaker system to reproduce sound only from said first audio signal input connection, and said second switch position configures said loudspeaker system to reproduce sound from both first and second audio signal input connections (column 4, lines 16-26 and line 61 to column 5, line 3); and a switch slide mechanically (Fig. 3, reference SW1) coupled to said switch, wherein said switch slide is positioned so as to prevent connection of an input signal to said second audio signal input connection when said switch is in said first switch position, and said switch slide is positioned so as to permit connection of input signals to both first and second audio signal input connections when said switch is in said second switch position (Figs. 3 and 4; column 4, lines 16-26 and line 61 to column 5, line 3).

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4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 20020012435 to Colegrave et al. (hereafter as Colegrave).

5. Regarding Claim 1, Colegrave discloses a loudspeaker system (Figs. 1A-C) comprising: first and second audio signal input connections (24,26); a switch (20) with first and second switch positions (M,S), wherein said first switch position configures said loudspeaker system to reproduce sound only from said first audio signal input connection, and said second switch position configures said loudspeaker system to reproduce sound from both first and second audio signal input connections (Figs. 1A-C; page 1, paragraph 0003); and a switch slide mechanically coupled to said switch (Fig. 1A, reference 20), wherein said switch slide is positioned so as to prevent connection of an input signal to said second audio signal input connection when said switch is in said first switch position, and said switch slide is positioned so as to permit connection of input signals to both first and second audio signal input connections when said switch is in said second switch position (Figs. 1A-C; page 1, paragraph 0003).

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4181819 to Cammack.

7. Regarding Claim 1, Cammack discloses a loudspeaker system (Fig. 1) comprising: first and second audio signal input connections (i.e. from A,B to speaker enclosure, speaker terminals)(Figs. 1 and 3); a switch (24) with first and second switch positions (A, A+B), wherein said first switch position configures said loudspeaker system to reproduce sound only from said first audio signal input connection, and said

second switch position configures said loudspeaker system to reproduce sound from both first and second audio signal input connections (column 1, lines 32-49; column 3, lines 1-48); and a switch slide mechanically (i.e. channel selector 24 with an index 25 manually positionable)(Fig. 1, reference 24) coupled to said switch, wherein said switch slide is positioned so as to prevent connection of an input signal to said second audio signal input connection when said switch is in said first switch position, and said switch slide is positioned so as to permit connection of input signals to both first and second audio signal input connections when said switch is in said second switch position (Fig. 1; column 1, lines 32-49; column 3, lines 1-48).

8. Regarding Claim 3, Cammack discloses said switch is a rotary-type switch (Fig. 1).

9. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4181819 to Cammack.

10. Regarding Claim 1, Cammack discloses a loudspeaker system (Fig. 1) comprising: first and second audio signal input connections (i.e. from A,B to speaker enclosure, speaker terminals)(Figs. 1 and 3); a switch (26) with first and second switch positions (L,L+R), wherein said first switch position configures said loudspeaker system to reproduce sound only from said first audio signal input connection, and said second switch position configures said loudspeaker system to reproduce sound from both first and second audio signal input connections (column 1, lines 32-49; column 3, lines 1-26); and a switch slide mechanically (i.e. balance control having a pointer 28 which is manually positionable)(Fig. 1, reference 26) coupled to said switch, wherein said switch

slide is positioned so as to prevent connection of an input signal to said second audio signal input connection when said switch is in said first switch position, and said switch slide is positioned so as to permit connection of input signals to both first and second audio signal input connections when said switch is in said second switch position (Fig. 1; column 1, lines 32-49; column 3, lines 1-36).

11. Regarding Claim 3, Cammack discloses said switch is a rotary-type switch (Fig. 1).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5757933 to Preves in view of U.S. Patent No. 6359992 to Preves et al (hereafter as Preves 992).

14. Regarding Claim 2, Preves discloses a switch, but only generally, no specific hardware or software is taught. Therefore it would have been obvious to one having ordinary skill in the art to seek known type of switches. Preves 992 for example, discloses a switch (24) that is a toggle-type switch (column 4, lines 9-16 and 48-54). It would have been obvious to one having ordinary skill in the art to employ any known switches, such as that of Preves 992. Therefore it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify the switch of Preves with the teaching of Preves 992 to utilize a toggle-type switch.

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5757933 to Preves in view of U.S. Patent No. 6192860 to Hatlen.

16. Regarding Claim 3, Preves discloses a switch, but only generally, no specific hardware or software is taught. Therefore it would have been obvious to one having ordinary skill in the art to seek known type of switches. Hatlen for example, discloses a switch (i.e. actuator) that is a rotary-type switch (column 1, lines 30-60). It would have been obvious to one having ordinary skill in the art to employ any known switches, such as that of Hatlen. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the switch of Preves with the teaching of Hatlen to utilize a rotary-type switch.

17. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4181819 to Cammack in view of U.S. Patent Applicant Publication No. US 2003/0174855 to Hawkins et al. (hereafter as Hawkins).

18. Regarding Claim 4, Cammack discloses first and second audio signal input connections (i.e. speaker terminals) but only generally, no specific hardware or software is taught. It would have been obvious to one having ordinary skill in the art to seek known type of audio signal input connections. Hawkins for example, discloses audio signal input connections are five-way-binding-post-type connections (page 3, paragraph

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0032). It would have been obvious to one having ordinary skill in the art to employ any known audio signal input connections, such as that of Hawkins. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the audio signal input connections of Cammack with the teaching of Hawkins to utilize five-way-binding-post-type connections for the audio input connections.

19. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4181819 to Cammack in view of U.S. Patent No. 4330691 to Gordon.

20. Regarding Claim 5, Cammack discloses first and second audio signal input connections (i.e. speaker terminals), but only generally, no specific hardware or software is taught. It would have been obvious to one having ordinary skill in the art to seek known type of audio signal input connections. Spring-clip type connectors are well known in the art as connectors for speakers, as disclosed by Gordon (Figs 8A-C). It would have been obvious to one having ordinary skill in the art to employ any known audio signal input connections. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the audio signal input connections of Cammack to utilize spring-type connections for the audio input connections.



**Conclusion**

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (703)305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 4, 2005

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PRIMARY EXAMINER